IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2959 OF 2005

IN

SUIT NO.3348 OF 1996

...

M/s.Krishna Steel ...Plaintiff

v/s.

Aren Engineers ...Defendant

...

Mr.S.B.Palsule i/b M/s.Sarkar & Sarkar for the Plaintiff.

Mr.V.P.Sawant for the Defendant in support.

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CORAM: D.K.DESHMUKH, J.

DATED: 11TH JUNE, 2007

P.C.:

1. This Notice of Motion is taken out by the

Defendant for permission to withdraw the moneys which are directed to be deposited in this court pursuant to the court's order and furnish a bank guarantee instead. The amount was directed to be deposited by order dated 26-11-1998 and the court directed investment of that amount by order dated 9-3-2000.

2. The request that instead of amount being invested it should be refunded to the Defendant on his furnishing bank guarantee could have been made by the Defendant to the court when the order dated 9-3-2000 was made. It is obvious from the order that such a request was not made. Therefore, in the absence of there being any change in the circumstances, that order cannot be modified. Motion is, therefore, rejected.

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